

1 R. ALi

2 of time or was it days here and there?

3 A. It was straight.

4 Q. Did you use up your sick time
5 allotment for that year because of this
6 accident?

7 A. I didn't have any left.

8 Q. Before this accident of October 28th,
9 had you used up your sick days for the year?

10 A. I don't remember.

11 Q. Did you lose pay because of this
12 accident?

13 A. Yes.

14 Q. How much did you lose?

15 A. I don't know. I don't know.

16 Q. Did you go out on disability or
17 something else or did you just completely
18 lose that pay?

19 A. I think I was on disability, I think.

20 Q. Did you receive some financial
21 compensation for your lost wages?

22 A. What do you mean?

23 Q. Well, did an insurance company or
24 somebody else issue checks to you for your
25 lost time?

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2 A. Yes.

3 Q. Even with that, was there still a
4 short fall or a loss?

5 A. Yes, less than half.

6 Q. So, whatever your take home pay was,
7 were you being reimbursed by an insurance
8 company, approximately, half of that or
9 something more or less? What would you say?

10 A. I don't understand the question.

11 MR. MAYER: The money you were
12 getting by the insurance company when
13 you were out of work to compensate
14 that you were losing from your job,
15 he's trying to find out if that amount
16 was usually half less than what you
17 get?

18 A. Less than half.

19 Q. When the insurance company gave you
20 money for your lost work time, was it one big
21 check or a series of checks or something
22 else?

23 A. Every couple weeks.

24 Q. Did you ever return to New York
25 Presbyterian Hospital after the emergency

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2 room visit?

3 A. No. If I ever went back like for --

4 Q. For medical examination, treatment or
5 care for the injuries from this accident?

6 A. No. I just went back, like, for a
7 cold.

8 Q. Completely unrelated?

9 A. Yes.

10 Q. Did you ever go to any other hospital
11 in connection with the injuries from this
12 accident?

13 A. No.

14 Q. When is the next time, after the
15 emergency room visit on the day of the
16 accident, that you received any additional
17 medical examination, treatment or care?

18 A. A couple days after.

19 Q. What did you do at that time?

20 A. I went to rehab.

21 Q. You went to a certain facility?

22 A. Yes.

23 Q. Do you remember the name of the
24 facility?

25 A. Castle Hill Rehab.

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2 Q. Castle Hill Rehab?

3 A. Yes.

4 Q. Where are they located, sir?

5 A. Castle Hill Avenue by Bruckner.

6 Q. In the Bronx?

7 A. Yes.

8 Q. Had you ever used this facility
9 before?

10 A. No.

11 Q. How did you come to go to this
12 facility as opposed to another facility?

13 A. It was close to the area of where I
14 lived.

15 Q. Had anybody recommended or referred
16 you to that facility?

17 A. No.

18 Q. Did you have a family doctor at the
19 time of this accident?

20 A. No.

21 Q. Sir, the first time that you went to
22 Castle Hill Rehab, were you examined?

23 A. I don't remember.

24 MR. MAYER: Did a doctor see
25 you?

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2 THE WITNESS: Yes.

3 A. The doctor see me, yes.

4 Q. Did you tell him how you were feeling?

5 A. Yes.

6 Q. What did you tell him on that first
7 visit?

8 A. I had a lot of pain in my neck, my
9 back. Pain going down my legs, numbness
10 under my left feet, and I have tingling in my
11 hands, my fingers.

12 Q. Sir, have you ever been diagnosed with
13 diabetes?

14 A. No.

15 Q. Besides examining you and listening to
16 your complaints, did the doctor take a
17 history of the accident, did you tell him
18 about the accident?

19 A. I don't remember. I think so.

20 Q. Did he ask you whether you had ever
21 hurt your neck or your back before this?

22 A. Yes.

23 Q. What did you tell him?

24 A. Yes.

25 Q. You told him that you had or you had

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2 not injured your neck and back before?

3 A. I have this pain before, but not as
4 painful as this.

5 Q. What did this pain come from before?

6 A. Accident.

7 Q. What was the date of that accident?

8 A. I don't remember.

9 Q. Was it here in the United States?

10 A. Yes.

11 Q. Do you remember what year?

12 A. No.

13 Q. Was it in the 1990s or was it after
14 2000?

15 MR. MAYER: He just wants
16 approximately, two years, three years,
17 six years.

18 A. Probably six years.

19 Q. Was this a motor vehicle accident?

20 A. Yes.

21 Q. Were you driving?

22 A. Yes.

23 Q. Where did the accident occur?

24 A. I don't remember.

25 Q. Was it in New York City, one of the

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2 five boroughs?

3 A. Yes, Bronx.

4 Q. Did that accident lead to a lawsuit on
5 your behalf?

6 A. Yes.

7 Q. Do you remember the names of your
8 attorneys?

9 A. No.

10 Q. Were they the same attorneys, Sacks &
11 Sacks?

12 A. No, different attorneys.

13 Q. Did you know where the lawsuit was
14 brought, what county it was brought?

15 A. No.

16 Q. Do you remember the name of the
17 defendant?

18 A. No.

19 Q. Were you alone in the vehicle at the
20 time of that accident?

21 A. No, no.

22 Q. What parts of your body did you injure
23 in that accident?

24 A. My neck and back was in pain.

25 Q. Did you go to the hospital in

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2 connection with that accident?

3 A. No.

4 Q. Did you go to any doctors in
5 connection with that?

6 A. Yes.

7 Q. Do you remember where you went?

8 A. No, now they closed down.

9 Q. Was it a facility in the Bronx?

10 A. Yes.

11 Q. Were you in your doorman's job when
12 this accident happened or was it before you
13 became a doorman?

14 A. I was a doorman.

15 Q. Did you lose time from work because of
16 this earlier accident?

17 A. No.

18 Q. Has that matter been settled or
19 resolved?

20 A. Yes.

21 Q. I'm not going to ask you the amount of
22 the settlement. Was there compensation given
23 to you?

24 A. What do you mean, like --

25 MR. MAYER: Did you get any kind

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2 of money from that case?

3 THE WITNESS: Yes.

4 MR. MAYER: Did you have to do a
5 deposition in a case like we're doing
6 today?

7 THE WITNESS: No. I feel better
8 after that.

9 MR. MAYER: That's it. You
10 answered the question.

11 Q. Sir, at the time of this accident, I'm
12 talking about now the one of October 28,
13 2006, who was your automobile insurance
14 carrier?

15 A. Progressive.

16 Q. Do you remember who was your
17 automobile insurance carrier at the time of
18 your earlier accident?

19 A. No.

20 Q. The neck pain that you had from the
21 earlier accident, did that go away after
22 while?

23 A. Yes.

24 Q. How long did the neck pain last from
25 that earlier accident, approximately?

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2 A. Two months, a month plus.

3 Q. What about the back pain, how long did
4 the pain last?

5 A. About three, four months.

6 Q. Did you have any MRIs taken as a
7 result of that earlier accident?

8 A. Yes.

9 Q. MRIs taken of your neck and back?

10 A. Yes.

11 Q. Do you remember where they were taken?

12 A. No.

13 Q. Were they taken at a facility in the
14 Bronx or somewhere else?

15 A. In the Bronx.

16 Q. Did you ever discuss the results of
17 those MRIs from the earlier accident with any
18 of your doctors?

19 A. No.

20 Q. Did any doctor ever tell you, in
21 connection with that earlier accident, that
22 you had a herniated disc?

23 A. I don't remember.

24 Q. Besides MRIs, did you have any x-rays
25 taken in connection with that earlier

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2 accident?

3 A. I don't remember.

4 Q. Sir, did you observe any damage to the
5 front of the Jeep that was involved in this
6 accident?

7 MR. MAYER: Read that back.

8 (Whereupon the record was read
9 back by the reporter.)

10 A. I don't remember.

11 Q. Do you remember whether you looked at
12 the Jeep to see if there was any damage?

13 A. I don't remember.

14 Q. Sir, do you know how many different
15 doctors you went to in connection with that
16 earlier accident?

17 A. No, I don't remember.

18 Q. Do you remember how long you received
19 medical care for that earlier accident?

20 A. Couple months.

21 Q. Sir, in that earlier accident, was
22 your car rear ended, was it an intersection
23 accident? Generally, what happened?

24 A. I was driving and the taxi ran the
25 stop sign and hit me from the side -- from

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2 the rear, on the side. From the side almost
3 to the rear.

4 MR. MAYER: Just answer the
5 question and keep your voice up.

6 Q. Did the taxi hit the driver's side of
7 your vehicle or the other side?

8 A. The driver's side.

9 Q. Was that a soft impact, a hard impact,
10 a medium impact or something else?

11 A. Medium.

12 Q. Sir, in this accident now, the October
13 28, 2006 accident, was your Honda Civic
14 repaired after the accident?

15 A. Yes.

16 Q. Do you know where it was repaired?

17 A. In the Bronx. I don't know the name
18 of the place. I don't remember the place,
19 the name.

20 Q. Do you know how much it cost to repair
21 it, approximately?

22 A. No.

23 Q. Did you have to pay any money out of
24 your pocket for any of the repairs to the
25 Honda?

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2 A. No.

3 Q. Was this a facility that you chose or
4 somebody else chose?

5 A. The insurance.

6 Q. After it was repaired, did you
7 continue to use the vehicle again?

8 A. Yes.

9 Q. Sir, the medical care that you
10 received in connection with the first
11 accident, did you use any of the same
12 doctors --

13 A. No.

14 Q. -- in the second accident?

15 A. No.

16 Q. Sir, that earlier accident you
17 described with the taxi hitting the driver's
18 side of your car, was that the only other
19 time you hurt your neck or back before the
20 accident of October 28, 2006?

21 A. No.

22 Q. There was another accident?

23 A. Yes.

24 Q. Was that also here in the United
25 States?

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2 A. Yes.

3 Q. What is the date of that accident?

4 A. I don't remember.

5 Q. Do you remember whether it was in the
6 1990s or was it is after 2000?

7 A. 1990s.

8 Q. Where did that take place?

9 A. In the Bronx.

10 Q. Were you a driver of a car at that
11 time?

12 A. Yes.

13 Q. Generally, what happened in that one?

14 A. The car hit me from back, pushed me on
15 the other car.

16 Q. Did that case go into a lawsuit?

17 A. No.

18 Q. Did you receive medical care in
19 connection with that accident?

20 A. No.

21 Q. Did you go to an emergency room in
22 connection with that accident?

23 A. Yes, for a checkup.

24 Q. Anything else besides an emergency
25 room visit?

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2 A. I didn't understand the question.

3 Q. Any other medical care for that
4 earlier accident?

5 A. No, that was it.

6 Q. That was it, just the emergency room
7 visit?

8 A. Yes.

9 Q. Did you have any x-rays taken at that
10 time?

11 A. No.

12 Q. Any MRIs?

13 A. No.

14 Q. Did you consult with an attorney about
15 that earlier accident?

16 A. No.

17 Q. This accident that you described with
18 the car hitting you in the back, was that
19 before the accident where the taxi hit you?

20 A. Yes.

21 Q. Did you feel pain in your neck or back
22 from that accident from the 1990s?

23 A. Slightly.

24 Q. For how long?

25 A. Couple weeks.

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2 Q. Did you lose anytime from work?

3 A. No.

4 Q. Sir, any other time you injured your
5 neck and back?

6 A. No.

7 Q. After this accident of October 28,
8 2006, did you ever re-injure your neck?

9 A. Could you read that back again?

10 MR. MORRIS: Could would have
11 that read back, please?

12 (Whereupon the record was read
13 back by the reporter.)

14 A. After?

15 Q. After this accident, the one where you
16 were coming off the FDR, did you ever have
17 another accident where you re-injured your
18 neck?

19 A. No.

20 Q. Did you ever have another accident
21 where you re-injured your back?

22 A. No.

23 MR. MAYER: You didn't answer --

24 MR. MORRIS: I asked if he
25 reinjured his neck or back.

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2 MR. MAYER: He is asking after,
3 since October 28, 2006, were you
4 re-involved in any other accidents
5 with your neck or back?

6 A. No.

7 Q. Do you remember the names of any of
8 the doctors who examined or treated you at
9 Castle Hill Rehabilitation for the October
10 28, 2006 accident?

11 A. I don't remember her name.

12 Q. Was it just one doctor?

13 A. I think so.

14 Q. That was a female doctor?

15 A. Yes.

16 Q. How many times, all together, did that
17 doctor see you?

18 A. Couple times.

19 Q. When you say a couple of times, how
20 many?

21 A. I don't remember.

22 Q. Does that mean two or three?

23 A. I don't remember.

24 Q. Was it less than five?

25 A. Probably about.

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2 Q. About five?

3 A. About five.

4 Q. Did that doctor, besides examining
5 you, recommend a course of treatment?

6 A. Yes.

7 Q. What did she recommend?

8 A. Heating pad and massage and put my
9 hand in hot wax.

10 Q. Were you receiving physical therapy as
11 part of that treatment, did you get physical
12 therapy?

13 A. Yes.

14 Q. For how long?

15 A. For this accident?

16 Q. Yes, for this accident.

17 A. Yes, for a couple months.

18 Q. Was the actual physical therapy at the
19 same Castle Hill Rehab?

20 A. Yes.

21 Q. How many times a week did you go?

22 A. Three.

23 Q. Did it stay three times a week or did
24 it diminish in number during that course of
25 the treatment?

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2 A. I think it was three.

3 Q. Did this doctor send you to get MRIs,
4 this lady doctor?

5 A. Yes.

6 Q. Where did you get the MRIs?

7 A. Somewhere in the Bronx. I don't
8 remember.

9 Q. What parts of your body did you have
10 MRIs taken of in connection with the October
11 28, 2006 accident?

12 A. Neck and back.

13 Q. MRIs taken of any other part of your
14 body in connection with this accident?

15 A. I don't remember.

16 Q. Sir, are you right-handed, left-handed
17 or ambidextrous?

18 A. Right.

19 Q. Always been right-handed?

20 A. Yes.

21 Q. The MRI that you had taken as a result
22 of the October 28, 2006 accident, were they
23 taken at a different facility than the
24 earlier MRIs were taken at?

25 A. Yes. Different, yes.

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2 Q. Did any doctor ever discuss with you
3 the results of your neck and back MRIs from
4 the October 28, 2006 accident?

5 A. No.

6 Q. Did any of your doctors recommend you
7 go for any additional MRIs?

8 A. I don't remember.

9 Q. The MRIs taken of your neck and back,
10 were they taken on different dates or just
11 one same date?

12 A. I don't remember.

13 Q. Do you remember going to this MRI
14 facility, this place, on one day or more than
15 one day?

16 A. I think more than one day for x-rays
17 also.

18 Q. X-rays are something different. Did
19 you have x-rays taken in connection with this
20 accident?

21 A. Think so, yes.

22 Q. Where were the x-rays taken?

23 A. Back and neck.

24 Q. I mean, at what facility? Were they
25 actually taken at the Castle Hill facility,

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2 itself, or did they send you somewhere else?

3 A. The same place I take the MRI.

4 Q. Did any doctor ever discuss with you
5 the results of the x-rays?

6 A. No.

7 Q. Sir, there came a time when the
8 physical therapy treatments ended; is that
9 correct?

10 A. Yes.

11 Q. Why did they end, sir, to the best of
12 your knowledge?

13 A. The insurance cut it off.

14 Q. Did any of the health care providers
15 that you had from Castle Hill recommend any
16 home exercises to you?

17 A. I don't remember.

18 Q. After the physical therapy ended at
19 the Castle Hill facility, did you receive any
20 other medical examination, treatment or care
21 for the October 28, 2006 accident?

22 A. Yes.

23 Q. What happened next?

24 A. I went to a different doctor.

25 Q. Who did you go to?

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2 A. Dr. Merola.

3 Q. Is Dr. Merola a man or a woman?

4 A. A man.

5 Q. What is Dr. Merola's first name?

6 A. I don't remember.

7 MR. MAYER: By counsel, it's
8 Andrew Merola.

9 Q. Sir, when did you first see Dr. Andrew
10 Merola, how long after the accident or a
11 particular year or month?

12 A. Probably a month after he cut me off.

13 Q. A month after your Castle Hill Rehab
14 ended you saw Dr. Merola?

15 A. Yes.

16 Q. How did you come to find out about Dr.
17 Merola?

18 A. I was looking for someone that was
19 reasonable, that I can afford it.

20 Q. Was this a doctor who was available
21 under your medical plan at work?

22 A. No.

23 Q. Did any person actually refer you to
24 Dr. Merola or did you get his name out of a
25 book or something else?

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2 A. My lawyer recommended me to him
3 because he was cheaper.

4 Q. How many times did you go to Dr.
5 Merola all together?

6 A. A couple times.

7 Q. Do you know what specialty Dr. Merola
8 has?

9 A. No.

10 MR. MORRIS: Off the record.

11 (Discussion held off the
12 record.)

13 Q. Sir, do you remember an MRI facility
14 by the name Aviva, A-V-I-V-A?

15 A. No, I don't remember.

16 Q. Do you remember the MRI facility being
17 on Williamsbridge Road?

18 A. Yes.

19 Q. That's for this accident, the October
20 28, 2006 accident?

21 A. Yes.

22 Q. Did you see Dr. Merola in Manhattan?

23 A. Yes.

24 Q. How many times, all together, have you
25 seen Dr. Merola?

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2 A. A couple times.

3 Q. When you say a couple, two or three?

4 A. Probably four to five times.

5 Q. What parts of your body did you
6 complain about on your first visit to Dr.
7 Merola?

8 A. My neck and my back. I said, I had
9 some pain going down my left leg with some
10 numbness.

11 Q. I'm sorry, was it going down one leg
12 or both legs?

13 A. Going down both, but the left one is
14 more.

15 Q. Did Dr. Merola send you for any
16 testing?

17 A. Like?

18 Q. Did he send you out for any MRIs or
19 x-rays or any additional ones?

20 A. No.

21 Q. Did you bring any of your medical
22 records to Dr. Merola at any time, such as
23 bringing him MRI films or anything like that
24 for him to review?

25 A. Yes.